



September 2009

Volume 1, Issue 8



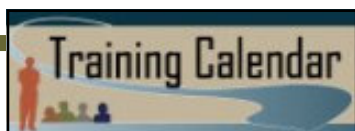
## ODE Welcomes a New State EEO Coordinator

The Office of Diversity & Equality is pleased to announce Singer Buchanan as the new State EEO Coordinator for the Commonwealth of Kentucky.

Singer Buchanan is a graduate of the University of Toledo and he received his Masters of Public Administration degree from Kentucky State University. He began his career with state government in May of 1992 with the Public Protection and Regulation Cabinet. He then moved to the Finance and Administration Cabinet and also worked for the Kentucky Housing Corporation before accepting the position of State EEO Coordinator in 1996. From 1997 to 2003, Singer served as the Deputy Secretary of the Personnel Cabinet as well as the role of Acting State EEO coordinator. In December of 2003 he returned full time to the position of State EEO coordinator. In July of 2005, he accepted the position of staff assistant in the Office of Special Instructional Services for the Kentucky Department of Education.

Singer is married to Sharon Buchanan who works for the Office of Employment and Training for the Workforce Development Department. They have 4 children and 3 grandchildren.

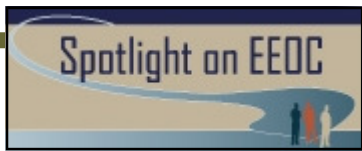
Singer will assume his duties on October 16. Please join me in congratulating Singer!



To register contact: Arthur Lucas at [ArthurB.Lucas@ky.gov](mailto:ArthurB.Lucas@ky.gov)

| Date     | Audience        | Title             | (GSC) Room | Time       |
|----------|-----------------|-------------------|------------|------------|
| 10/14/09 | State Employees | Anti-Harassment   | 539        | 9am— 12 pm |
| 11/18/09 | State Employee  | Sexual Harassment | 539        | 9am— 12 pm |

For Directions to the Governmental Services Center: <http://personnel.ky.gov/gsc/>



**KNOUSE FOODS SUED BY EEOC FOR SEXUAL AND NATIONAL ORIGIN  
HARASSMENT AND RETALIATION**

*Female Hispanic Farmworkers Were Forced to Endure Severe Harassment and  
Retaliation, Federal Agency Charges*

<http://www.eeoc.gov/press/9-22-09a.html>

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**EEOC ISSUES FEDERAL WORK FORCE REPORT FOR 2008, URGES  
AGENCIES TO IMPROVE COMPLAINT PROCESSING**

*Discrimination Complaint Filings and Agency Processing Times Rise Slightly*

<http://www.eeoc.gov/press/9-17-09a.html>

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**NPMG TO PAY \$415,000 TO SETTLE EEOC SUIT FOR RACIAL HARASSMENT  
OF AFRICAN AMERICAN WORKERS**

*Credit Card Company Subjected Blacks to Racial Slurs and Insults, Agency Charged*

<http://www.eeoc.gov/press/9-16-09g.html>

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**NINTH CIRCUIT UPHOLDS JURY VERDICT OF \$241,708 AWARDING  
PUNITIVE DAMAGES IN EEOC CASE AGAINST ‘GO DADDY’**

*EEOC Sued Software Company for Retaliation Against Muslim Worker*

<http://www.eeoc.gov/press/9-14-09.html>



**PRESS RELEASE FROM THE EEOC - 09/16/09**

**COMMISSION APPROVES PROPOSED ADA REGULATIONS FOR  
PUBLIC COMMENT**

*New Regulations Conform to Changes Made by ADA Amendments Act of 2008*

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) today approved a Notice of Proposed Rulemaking (NPRM) revising its regulations to provide that an individual seeking protection under the Americans with Disabilities Act (ADA) establish that he or she has a disability consistent with the original, expansive intent of Congress when it enacted the ADA in 1990. The NPRM, approved by 2-1 vote, carries a 60-day period for public comment.

The NPRM makes several significant changes to the definition of the term “disability” necessitated by enactment of the ADA Amendments Act of 2008. The NPRM will be available from the Commission’s website, [www.eeoc.gov](http://www.eeoc.gov), along with a [question-and-answer guide](#) about the proposal and instructions for submitting public comments.

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“Today’s Commission action marks a key step in implementing the landmark Amendments Act, which will smooth the road for those trying to establish disability under the ADA,” said Acting EEOC Chairman Stuart J. Ishimaru. “The Commission acted following careful and thorough deliberations, and we look forward to reviewing any and all public comments before issuing our final regulation.”

Acting EEOC Vice Chair Christine M. Griffin said, “Congress recognized that the intent of the ADA was being misread, that its goals were being compromised, and that action had to be taken. These regulations will shift the focus of the courts away from further narrowing the definition of disability, and put it back where Congress intended when the ADA was enacted in 1990.”

The Americans with Disabilities Act (ADA), an antidiscrimination statute, was signed into law in July 1990. The EEOC is responsible for enforcing Title I of the ADA, which prohibits employment discrimination against individuals with disabilities. The statute requires employers to make reasonable accommodations to employees and job applicants with disabilities—defined as people with mental or physical impairments that substantially limit a major life activity, persons with a record of a disability, or who, while not actually disabled, are regarded as disabled.

The ADA Amendments Act, which went into effect Jan. 1, 2009, states that Congress expects the EEOC to revise its regulations to conform to changes made by the Act, and expressly authorizes the EEOC to do so. The new law rejected the holdings in several Supreme Court decisions and portions of EEOC’s ADA regulations that Congress believed construed the definition of “disability” too narrowly, preventing individuals with impairments such as cancer, diabetes, epilepsy, multiple sclerosis, muscular dystrophy, post-traumatic stress disorder, and bipolar disorder from bringing discrimination claims. The ADA Amendments Act (ADAAA) and the proposed rule make it easier for an individual alleging employment discrimination based on disability to establish that he or she meets the ADA’s definition of “disability.” The ADA Amendments Act also modifies the Rehabilitation Act of 1973, which prohibits employment discrimination in the federal workforce on the basis of disability.

The EEOC voted June 17 to adopt the rules changes, which then went to the Office of Management and Budget for review, and to federal agencies.

Consistent with the ADAAA, the NPRM emphasizes that the definition of disability -- an impairment that poses a substantial limitation in a major life activity -- must be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA, and should not require extensive analysis; that major life activities include “major bodily functions”; that mitigating measures, such as medications and devices that people use to reduce or eliminate the effects of an impairment, are not to be considered when determining whether someone has a disability; and that impairments that are episodic or in remission, such as epilepsy, cancer, and many kinds of psychiatric impairments, are disabilities if they would “substantially limit” major life activities when active. The regulation also provides a more straightforward way of demonstrating a substantial limitation in the major life activity of working, and implements the ADAAA’s new standard for determining whether someone is “regarded as” having a disability.

The 60-day public comment period on the proposed rule-making will officially commence upon publication of the NPRM in the Federal Register, which is expected to be published the week of September 21, 2009. The EEOC encourages the public to offer its views and suggestions.

The EEOC is responsible for enforcing federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at [www.eeoc.gov](http://www.eeoc.gov).



## What Gen Y Really Wants

by Penelope Trunk, *TIME Magazine*

With 85 million baby boomers and 50 million Gen Xers, there is already a yawning generation gap among American workers--particularly in their ideas of work-life balance. For baby boomers, it's the juggling act between job and family. For Gen X, it means moving in and out of the workforce to accommodate kids and outside interests. Now along come the 76 million members of Generation Y. For these new 20-something workers, the line between work and home doesn't really exist. They just want to spend their time in meaningful and useful ways, no matter where they are.

The first challenge for the companies that want to hire the best young workers is getting them in the door. They are in high demand--the baby boomers are retiring, and many Gen X workers are opting out of long hours--and they have high expectations for personal growth, even in entry-level jobs. More than half of Generation Y's new graduates move back to their parents' homes after collecting their degrees, and that cushion of support gives them the time to pick the job they really want. Taking time off to travel used to be a résumé red flag; today it's a learning experience. And entrepreneurship now functions as a safety net for this generation. They grew up on the Internet, and they know how to launch a viable online business. Facebook, for example, began in a college dorm room.

With all these options, Generation Y is forcing companies to think more creatively about work-life balance. The employers who do are winning in the war for young talent. The consulting firm Deloitte was alarmed by the high turnover of its youngest employees, so it asked one of its consultants, Stan Smith, to find out more about what attracts them to and keeps them at a job. His research reveals that job hopping is not an end in itself but something young workers do when they see no other choice.

"People would rather stay at one company and grow, but they don't think they can do that," he says. "Two-thirds of the people who left Deloitte left to do something they could have done with us, but we made it difficult for them to transition." So Smith, who is now in charge of recruiting and retaining Generation Y as national director of next-generation initiatives, created programs at Deloitte that focus on helping people figure out their next career move. Smith is betting that in many cases, the best place for a restless young person is simply another spot in Deloitte. This saves the company the \$150,000 cost of losing an employee--not to mention the stress for employees of changing jobs.

Old assumptions about what employees value in the workplace don't always apply with Gen Y. Friendship is such a strong motivator for them that Gen Y workers will choose a job just to be with their friends. Boston-based Gentle Giant Moving once hired an entire athletic team. "It looked like a great work environment because of the people," says rower Niles Kuronen, 26. "It was huge to be able to work with friends." It feels normal for Gen Y employees to check in by BlackBerry all weekend as long as they have flexibility during the week. Sun Microsystems's telecommuting program, for example, has kicked into high gear in response to Generation Y's demands. Today more than half of Sun's employees work remotely.

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Generation Y's search for meaning makes support for volunteering among the benefits it values most. More than half of workers in their 20s prefer employment at companies that provide volunteer opportunities, according to a recent Deloitte survey. The software company Salesforce.com gives 1% of profits to its foundation, which pays for employees to volunteer 1% of their work time. Salesforce.com staff will do 50,000 hours of community service this year. "This program has dramatically increased our ability to recruit and retain high-quality employees," says CEO Marc Benioff. It's what attracted Eliot Moore, 26. "When I heard about the Salesforce.com Foundation, it was plus after plus for me," he says. "It's a way to take the skills I learned in the corporate arena and give back to the community without leaving the company."

Understanding Generation Y is important not just for employers. Older workers--that is, anyone over 30--need to know how to adapt to the values and demands of their newest colleagues. Before too long, they'll be the bosses.

**GSC offers a "Generations at Work" workshop.**  
**For more information contact GSC at: <http://personnel.ky.gov/gsc/>**



### **EEO Quarterly Forum**

October 29, 2009

9:00 am - 12:30pm

Location: TBA

The EEO Coalition Quarterly Forum will feature State ADA Coordinator Norb Ryan. Norb will be presenting information on the following topics: ADA Parking Issues, Updates to the ADAAA and ADA Sensitivity Training.

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### **Anti-Harassment On-line Module**

Beginning October 5, 2009, Anti-Harassment on-line training will be available for all Commonwealth of Kentucky employees. The purpose of the on-line training will be to provide agencies with an avenue to train multiple employees throughout the Commonwealth without having to incur travel costs and help minimize disruptions to the agency operation. The training is now being offered through GSC and TRAIN. By utilizing TRAIN agencies do not have to be concerned with a rotating schedule to enroll employees. We hope this will help to provide a more efficient process. In order to enroll participants EEO Coordinators should do the following:

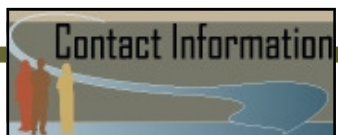
- The course appears in Pathlore as: Course Name is "GSC Anti-Harassment Online." Course Code "WCAHOL104."
- Contact your cabinet/agency training liaisons with designated employee or department name(s) and requested training date (according to the rotation schedule).
- The training liaison will then Waitlist people for the class.
- Jammie Smith (GSC) will change the employee status to enrolled.
- Participants will be enrolled on a first come first serve basis.
- Participants will have three weeks to complete the training.
- The Office of Diversity & Equality will run a bi-weekly status report of the employees that have completed the course.

If you have questions please contact either Arthur Lucas at [arthurb.lucas@ky.gov](mailto:arthurb.lucas@ky.gov) or Jammie Smith (GSC) [jammie.smith@ky.gov](mailto:jammie.smith@ky.gov).



“Diversity is the one true thing we all have in common. Celebrate it every day.”

-Unattributed American Proverb



**Arthur Lucas**  
Executive Director

Office of Diversity and Equality  
501 High Street, 3rd Floor  
Frankfort, KY 40601

502-564-8000  
[ArthurB.Lucas@ky.gov](mailto:ArthurB.Lucas@ky.gov)